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will be the result of a contract if you have one. Definitions are, of course, difficult and should be avoided as far as may be, but perhaps the worst form of unscientific definition is the form which states the results instead of the nature of the thing and the elements which compose it.

The attempted definition of "consideration" in section 36 is not only misleading,—it is erroneous. The definition is:

"Consideration is the act or forbearance of one party which is given in exchange for the act or promise of the other."

Obviously, if an act or forbearance of one party is given for the act of another party, there is no contract at all. It is simply an exchange. This definition is given in bold large type. In a note following it, in small type, there is given a partially correct definition of "consideration" which, if it had been expanded and had been made the definition for the main part of the text, would have answered the purpose. This instance is cited simply as showing how misleading a treatise may be and how dangerous it may be in the hands of those who use it innocently.

Again, in section 39, consisting of ten lines, a complete disposition of the subject of the performance of, or a promise to perform a contract obligation as a consideration for a new promise, is purported to be given. The statement of the author carries with it the implication that the law is uniform and settled in every jurisdiction, the fact being that the law on this subject is different in different jurisdictions and involves a good many collateral points which are summarily ignored in the statement.

Again, referring to a contract to drill a well 3000 feet deep, the author says that if, after the contractor has drilled 2500 feet, he meets unexpected and extraordinary difficulties, he may recover for the work done if he can prove that performance is impossible by any methods ordinarily used. Such a proposition would not stand the test of the law as it actually exists nor indeed as it should exist as a matter of sound principle.

Nevertheless, it should be said that a very earnest attempt has been made to put together in succinct form the outstanding principles of the law of contracts (to say nothing of the incidental treatment of corporation, real estate and tort law), and if this subject of contracts were taught in an engineering school by someone familiar with the entire subject of the law of contracts quite apart from the book, so that he might use the book as a basis, correcting and amplifying its statements, where there might be necessity, and giving ample time to the subject, there might be a valuable office performed by this work. For other purposes, the value of the work does not so clearly appear.

Perhaps the best comment upon a work of this kind, and one which carries with it the most emphatic of warnings, is the very language of the author of the work under consideration, at the bottom of page 28. He says:

"It should always be borne in mind, however, that in the eye of the law engineering contracts are no different from any other business agreements."

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THE FOUNDATIONS OF SOCIAL SCIENCE, An Analysis of Their Psychological Aspects. By JAMES MICKEL WILLIAMS. New York: ALFRED A. KNOPP. 1920. pp. xvi, 494.

This is one of the two or three substantial books that get written in a generation. By this I mean that it not only contains ideas (a score or more of books

written in every generation contain ideas) but that it consists of ideas. There is not a paragraph in it without an idea more or less challenging; and all of this intellectual stuff is coherent. It constitutes an argument and arrives at conclusions. It is much more, too, than a work of logic. Professor Williams is not only a thoughtful man, he is also an educated man. He knows what his predecessors in the fields of social science thought and wrote before he tried to reconsider the problems upon which they reflected. He knows history also, and letters. Best of all, his Maker gave him imagination and humor. He is always judicious and sane. His pages abound in abstractions but they are rich also in concrete fact and felicitous phrase. They are not, however, easy reading. They were not written to amuse. They demand attention and alertness.

Professor Williams' thesis is that all of the social sciences make assumptions which, when examined, turn out to be propositions in social psychology. Therefore, he contends, social psychology is the foundation of all social sciences including politics, jurisprudence and economics, and all students who would make contributions to them, or even hope to understand them, must first know their social psychology. The reader presumably will not be mistaken if he infers that the volume is a far-ranging, as it is a profound, introduction to a system of social psychology.

The author's method is straightforward. He never indulges in fine writing and never tries to arrest attention by circuitous approach. As naturally, therefore, as a writer on geometry might do, he begins with a provisional definition:

"Without attempting to frame a complete definition or one that will generally satisfy students of the subject we may say that it [social psychology] is the science of the motives of the behavior of men living in social relations. As such it is one of the sciences of society, society being a general term for mankind living in social relations."

The behavior studied, he is careful to say, includes both reflex and conscious reactions; and by motive he means, "any mental state which either assists or hinders an act." On every page that follows, the reader finds evidence that Professor Williams has mastered the literature of psychology to date. He knows the expositions and the arguments of the functionalists, the behaviorists and the Freudians, and yet he never talks their jargon. Always he is examining phenomena of human society in the concrete—sovereignty, government and policy, law as declared by courts, prices, profits and wages seen as incidents of industrial relations. He lives up to his declaration that he has "attempted to bring to a focus the human nature basis of the different fields of knowledge" within the scope of social science.

Concreteness and reality are arrived at by inquiring in every instance what facts of interest (of stimulation and reaction) lie back of the assumptions made by political theorists, by judges, by economists, and by historians. Here is an example. The legal theory of the state "assumes that the people of the state are a unit whose will is represented by the law." But what is the fact? As anyone who looks about him can see, the population of a state is organized into self-conscious conflicting classes to such an extent that, as a psychological fact, the will of the people as a whole is represented by a very small part only of the law. Yet the class struggle is by no means the only social fact to be regarded. There are not only classes in modern society, there are masses also; and sovereignty, in the last analysis, is vested in the masses and not in any class. Such a judgment makes the definition of the "masses" which Professor Williams offers us a discrimination of some importance. Superficially regarded, the masses are those members of society who, not having yet become class conscious, vote year after year as partisans, regardless of the personality of candidates and equally regardless of issues. Psychologically, therefore, the masses are members of society who vote by habit,

not having arrived at that questioning and challenging state of mind which insists upon bringing political action into line with reasoned theories or experimental programs. Obviously, we have here a group of ideas by which all theories of government, all attitudes and decisions of judges, and all radical economic programs, including revolutionary ones, can be analyzed. Law, policy and administration are products in part of instinctive reactions, in part of habit, in part of "rationalizing," in part of experimental intent. The ratios are ever shifting. The class struggle shifts its ground as the ratios shift, and presently decisions and theories adjust themselves to the new social topography.

To the student of law the most interesting and valuable pages turn out to be (as the chapter headings promise) those of Book II on "Social Psychology and Jurisprudence." Their key note is the assumption that the lawyer's professional method of thinking is deductive, and that judges, even more than the practicing lawyer, think deductively and rarely by the inductive method of the scientific investigator. There are indications, however, that Professor Williams is alertly observant of the inductive habits of writers like Pound, and of judges like Holmes. The chief contention of these chapters is that the "attitude" of judges (a state of mind largely unconscious) is a factor in decision far from negligible.

It would be impossible for an author, whatever his equipment, to produce a work of such scope and fundamental character as this, free from error and not provocative of dissent by colleagues. I shall offer two criticisms only. Professor Williams' sympathies are unmistakably with the under dog in the class struggle. His "attitude" is neither uncertain nor disguised. His work would have been more effective, more complete and, I think, more scientific if he had given us side by side with his analysis of the psychology of dominant men an analysis also of the correlated psychology of those subordinated classes whose "inferiority complex" is as characteristic as the superiority complex of the exploiters. One of the outstanding psychological facts of trade unionism, of communism, and of revolution is the attempt of subordinated people to save their face and their interests by limiting the life possibilities of superiors. The impulse so to behave undoubtedly accounts also for much of our conventional morality, and for no small part of our law. It is probably, for example, the true psychological explanation of prohibition and of blue law legislation in general.

I do not like Professor Williams' way of disposing of what he calls "sociology" in distinction from what he calls "social psychology." The few pages that he devotes to sociology are found in a chapter on "Social Psychology as Related to Economics, History and Sociology." If no distinction should be made between social psychology and sociology there was no occasion to deal with sociology separately; but if by sociology we are to understand a study of pluralistic reaction to stimulus (collective action) in distinction from a study of the motives of men regarded as individuals, then the foundations of the social sciences are not found altogether within the field of social psychology. Foundations broader and quite as deep are found also within the field of sociology which, therefore, should be as carefully described as the field of the individual motives is.

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FRENCH COMPANY LAW (*Sociétés Anonymes*) English and Foreign Companies in France. By PIERRE PELLERIN. London: STEVENS & SONS, LTD. 1920. pp. 159.

This is a practical handbook for the use of lawyers and business men. The law under which French corporations, known as *société anonymes*, are organized is the law of July 24, 1867, as modified by later laws. The author gives a summary